

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**HANSON AGGREGATES BMC, INC.**

**and**

**Cases 04-CA-102497  
04-CA-104307**

**INTERNATIONAL UNION OF OPERATING  
ENGINEERS LOCAL 542, AFL-CIO**

**DECISION AND ORDER**

**Statement of the Cases**

On April 11, 2013, Hanson Aggregates BMC, Inc. (the Respondent) and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to the Board's approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals.<sup>1</sup> The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act, as amended, and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Formal Settlement Stipulation is approved and made a part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following:

**Findings of Fact**

1. The Respondent's business

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<sup>1</sup> The Charging Party, International Union of Operating Engineers Local 542, AFL-CIO, did not execute the Formal Settlement Stipulation. By letters, both dated April 15, 2014, to the Executive Secretary and the Division of Advice, the Union stated that it opposed the Formal Settlement Stipulation. We have carefully considered the Union's position and we find that the Formal Settlement Stipulation effectuates the policies of the Act.

The Respondent is a Delaware corporation with a quarry in Penns Park, Pennsylvania (the Quarry), where it is engaged in extracting and processing crushed stone and in manufacturing bituminous asphalt.

In conducting its business operations during the year preceding the formal settlement stipulation, and on an annual basis, the Respondent has sold and shipped goods valued in excess of \$50,000 directly to points located outside the Commonwealth of Pennsylvania.

At all material times, the Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

2. The labor organization involved

At all material times, the Union, International Union of Operating Engineers Local 542, AFL-CIO, has been a labor organization within the meaning of Section 2(5) of the Act.

3. The bargaining unit

The following employees of the Respondent at the Quarry constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time Motor Operators, Plant Operators, Truck Drivers, Laborers, Mechanics, Welders and maintenance employees, excluding all other employees, including temporary employees, Laboratory Technicians, office clerical employees, managers, guards and supervisors as defined in the Act.

On September 9, 2004, in Case 4-RC-20874, the Union was certified as the exclusive collective-bargaining representative of the Unit.

At all times since September 9, 2004, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the Unit.

## **ORDER**

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, as amended, the National Labor Relations Board orders that the Respondent, Hanson Aggregates BMC, Inc., Penns Park, Pennsylvania, its officers, agents, successors, and assigns shall

1. Cease and desist from

(a) Failing and/or refusing to bargain collectively with the Union by: (i) delaying for an unreasonable period of time in providing the Union with requested information that is necessary for and relevant to its performance of its functions as the exclusive collective-bargaining representative of the unit employees or by failing to provide the Union with a sufficient period of time to review the information; or (ii) failing or refusing to adequately respond to the Union's request to receive information that is necessary for and relevant to its performance of its functions as the exclusive collective-bargaining representative of unit employees by email rather than by regular mail or facsimile.

(b) In any like or related manner, interfering with, restraining, or coercing its employees in the exercise of their right to self-organization; to form labor organizations; to join or assist the Union or any other labor organization; to bargain collectively through representatives of their own choosing; to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from any and all such activities.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Within 14 days after service by the Region, post copies of the attached Notice marked "Appendix" at its facility in Penns Park, Pennsylvania. Copies of the Notice, on forms provided by the Regional Director for Region Four, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material.

(b) Within 21 days after service by the Region, file with the Regional Director a sworn certification, on a form provided by the Region, attesting to the steps that the Respondent has taken to comply herewith.

Dated, Washington, D.C., June 11, 2014.

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Mark Gaston Pearce, Chairman

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Harry I. Johnson, III, Member

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Nancy J. Schiffer, Member

(SEAL)

**NATIONAL LABOR RELATIONS BOARD**

**APPENDIX**

**NOTICE TO EMPLOYEES  
POSTED BY ORDER OF THE  
NATIONAL LABOR RELATIONS BOARD  
An Agency of the United States Government**

**PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER AND A  
CONSENT JUDGMENT OF ANY APPROPRIATE UNITED STATES COURT OF  
APPEALS**

**FEDERAL LAW GIVES YOU THE RIGHT TO:**

Form, join, or assist a union;  
Choose representatives to bargain with us on your behalf;  
Act together with other employees for your benefit and  
protection;  
Choose not to engage in any of these protected activities.

**WE WILL NOT** delay in providing the Union with requested information that is relevant and necessary for the Union to represent employees, or deny the Union adequate time to review information.

**WE WILL NOT** refuse to adequately respond to the Union's request to receive information by email rather than by regular mail or facsimile.

**WE WILL NOT** in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights guaranteed you by Section 7 of the National Labor Relations Act.

**HANSON AGGREGATES BMC, INC.**

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(Employer)

Dated: \_\_\_\_\_ By: \_\_\_\_\_  
(Representative) (Title)